

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

REYNALDO AGAVO,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

2:13-cv-01741-JCM-CWH

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, filed by a Nevada state prisoner. The petition and attachments were received by the court on September 23, 2013. (ECF No. 1). On December 17, 2013, this court granted petitioner's motion for counsel and appointed the federal public defender to represent petitioner in this action. (ECF No. 4). On January 17, 2014, Jonathan M. Kirshbaum of the federal public defender's office appeared on behalf of petitioner. (ECF No. 6). The court now sets a schedule for further proceedings in this action.

IT IS THEREFORE ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner

1 that all possible grounds for habeas corpus relief must be raised at this time in this action and that the
2 failure to do so will likely result in any omitted grounds being barred from future review.

3 **IT IS FURTHER ORDERED**, so that respondents may be electronically served with the
4 amended petition and any exhibits or documents filed through counsel, that the clerk of court
5 **SHALL SERVE** respondents with a copy of this order. Respondents' counsel **SHALL ENTER** a
6 notice of appearance herein within **twenty (20) days** of entry of this order.

7 **IT IS FURTHER ORDERED** that petitioner shall have **ninety (90) days** from the date of
8 entry of this order, to **FILE AND SERVE** on respondents an amended petition for writ of habeas
9 corpus, which shall include all known grounds for relief (both exhausted and unexhausted).

10 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** after service
11 of an amended petition within which to answer, or otherwise respond to, the amended petition. If
12 petitioner does not file an amended petition, respondents shall have **forty-five (45) days** from the
13 date on which the amended petition is due within which to answer, or otherwise respond to,
14 petitioner's original petition.

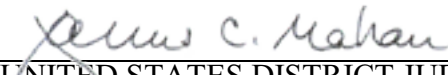
15 **IT IS FURTHER ORDERED** that if and when respondents file an answer, petitioner shall
16 have **forty-five (45)** after service of the answer to file and serve a reply.

17 **IT FURTHER IS ORDERED** that any state court record exhibits filed by the parties herein
18 shall be filed with an index of exhibits identifying the exhibits by number or letter. The CM/ECF
19 attachments that are filed shall further be identified by the number or numbers (or letter or letters) of
20 the exhibits in the attachment.

21 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of all
22 exhibits presented in support of the amended petition and the response to the amended petition to the
23 **Reno** division of this court. Courtesy copies shall be mailed to the clerk of court, 400 S. Virginia
24 St., Reno, NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing
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1 address label. Additionally, in the future, all parties shall provide courtesy copies of any additional
2 exhibits submitted to the court in this case, in the manner described above.

3 Dated this 22nd day of January, 2014.

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6 UNITED STATES DISTRICT JUDGE
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